

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TERRANCE JON IRBY,

Plaintiff,

v.

HAYNES, et al.,

Defendant.

CASE NO. 3:15-CV-05628-RJB-JRC

ORDER

Before the Court are plaintiff's (1) motion for service of summons and amended complaint (Dkt. 21); (2) motion to seal attachments filed with plaintiff's first amended complaint (Dkt. 24); and (3) motion for court rules and instructions (Dkt. 26). Plaintiff's motion for service of summons and amended complaint is denied as moot (Dkt. 21). Plaintiff's motion to seal is denied (Dkt. 24). Plaintiff's motion for court rules and instructions is denied (Dkt. 26).

//

//

//

DISCUSSION

1. Motion for Service of Summons and Amended Complaint (Dkt. 21)

Plaintiff asks the Court to serve his first amended complaint (Dkt. 19). However, the Court has already ordered service of plaintiff's first amended complaint (Dkt. 30) and thus, plaintiff's motion is denied as moot.

2. Motion to Seal (Dkt. 24)

Plaintiff asks the Court to seal attachments filed with his first amended complaint, which are drawings of an invention. Dkt. 24. Plaintiff also filed these drawings with his motion to seal.

See id.

Under Local Civil Rule CR 5(g)(1), there is a “strong presumption of public access to the court’s files and records which may be overcome only on a compelling showing that the public’s right of access is outweighed by the interests of the public and the parties in protecting files, records, or documents from public review.” Plaintiff makes no such showing. Simply because the drawings are related to an invention does not justify sealing them from public view. There is no compelling showing that this material should be sealed. Accordingly, plaintiff’s motion to seal (Dkt. 24) is denied.

3. Motion for Court Rules and Instructions (Dkt. 26)

Plaintiff asks the Court to provide him with a copy of the Local Court Rules, reiterates his request to seal his drawings, and requests that the Court order service of his patent and trademark cause of action, Dkt. 26.

If plaintiff wishes a copy of this Court's Local Rules, he must submit payment of \$72.50 (145 pages at \$.50 per page) to the Clerk's Office. Alternatively, a free copy of the rules is available at: <http://www.wawd.uscourts.gov/referencematerials/localrules.htm>. If plaintiff is

1 unable to access the Local Rules online or by request to plaintiff's counselor or Washington
2 Corrections Center ("WCC") law librarian, plaintiff is advised to file a motion and advise the
3 Court of the circumstances at WCC. The Clerk's office is also ordered to provide plaintiff with a
4 copy of the pro se information sheet, prisoner litigation manual, and copying charge letter, all of
5 which have relevant information related to the Local Rules.

6 As to plaintiff's request that the Court provide plaintiff with the patent and trademark
7 forms and service plaintiff's trademark case, these forms are available on the Court's website,
8 www.wawd.uscourts.gov, and on the U.S. Court's website at www.uscourts.gov. However, the
9 instant cause of action filed by plaintiff is a civil rights action under 42 U.S.C. § 1983. If
10 plaintiff wishes to file a separate action regarding a patent or trademark, he must file a separate
11 cause of action.

12 In addition, plaintiff asserts allegations of due process violations and denial of access to
13 courts that occurred after he filed the instant case. Dkt. 26 at 5. Plaintiff is advised that if he
14 seeks to raise claims that occurred after he filed this case, he must file a separate cause of action.
15 An amended complaint may not change the nature of a suit by alleging new, unrelated claims.
16 *George v. Smith*, 507 F.3d 605, 607 (7th Cir. 2007) (no "buckshot" complaints); *see also*
17 Fed.R.Civ.P. 20(a)(2) (joinder of defendants not permitted unless both commonality and same
18 transaction requirements are satisfied).

19 Plaintiff's motion also asserts facts in support of his complaint. Dkt. 26 at 5. Plaintiff is
20 advised that if he wishes to file an amended complaint asserting more facts in support of his first
21 amended complaint, he must file a second amended complaint. The Court will not consider
22 allegations in this motion in support of plaintiff's first amended complaint.

23 //

24

1 CONCLUSION

2 Plaintiff's motion for service (Dkt. 21) is denied as moot. Plaintiff's motion to seal (Dkt.
3 24) is denied. Plaintiff's motion for the Court rules and instructions (Dkt. 26) is denied. The
4 Clerk is ordered to send plaintiff a copy of the prisoner litigation manual, pro se information
5 sheet and the copying charge letter.

6 Dated this 15th day of December, 2015.

7 
8

9 J. Richard Creatura
10 United States Magistrate Judge
11
12
13
14
15
16
17
18
19
20
21
22
23
24